

REMARKS

The Application has been carefully reviewed in light of the Office Action dated July 14, 2004 (Paper No. 14). Claims 1 to 10 are in the application, of which Claims 1, 4 to 5 and 8 to 10 are independent. Claims 1, 4, 5 and 8 to 10 are being amended. Reconsideration and further examination are respectfully requested.

Initially, the Office Action rejects Claims 1, 4 and 8 to 10 under 35 U.S.C. § 112, second paragraph as allegedly lacking antecedent basis. More particularly, the Office Action states that the phrase “the steps of” in the preamble of Claims 1, 4, 9 and 10 lacks antecedent basis. Reference is respectfully made to MPEP § 2173.05(e), which states that a claim is indefinite when it contains a phrase whose meaning is unclear. While it is believed that the meaning of the phrase “the steps of” is clear, Applicants are amending Claims 1, 4, 9 and 10 to remove the phrase in an effort to advance prosecution. With respect to Claim 8, the Office Action indicates that the phrase “said issuing means” lacks antecedent basis. However, since the phrase refers to the issuing means element recited immediately after the preamble of the claim, the meaning of the phrase is believed to be sufficiently clear, and no amendment is believed necessary. In view of the above, reconsideration and withdrawal of the rejection are respectfully requested.

By the Office Action, Claims 1, 2, 5, 6 and 9 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,908,467 (Barrett), and Claims 4, 8 and 10 are rejected under 35 U.S.C. § 103(a) over Barrett. Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention concerns a data load from a server via a network. More particularly, data provided by a server is generated and transmitted from the server to

a requesting terminal. If the data generation is not complete, the server predicts an end time for completion of the data generation, and then forwards the predicted end time to the terminal. If the data generation is determined to be complete, the server transmits the requested data to the terminal.

According to another aspect of the invention, the terminal issues the request for a data load to the server, and determines whether a transmission received from the server contains the requested data or the predicted end time for generation of the requested data.

By virtue of the foregoing arrangements, the terminal is provided with the requested data or a predicted end time for generation of the requested data. Accordingly, for example, instead of repeatedly requesting the data, the terminal can wait to reissue a request for the data based on a predicted end time received from the server.

Turning to the specific language of the claims, Claim 1 defines a data processing method performed by a server for providing data to a terminal via a network. A reception step receives a request for data loading from the terminal. A completion discrimination step discriminates, in response to the request for data loading, whether a generation of requested data has completed or is in progress. A first transmission step transmits the requested data to the terminal if the generation thereof has completed. A prediction step predicts an end time of the generation of the requested data if the generation thereof is in progress. A second transmission step transmits the predicted end time to the terminal during the generation of the requested data if the generation of the requested data is in progress.

The applied art, namely Barrett, is not seen to show each and every one of

the above-identified features, particularly as regards the features of a server transmitting the requested data to the terminal if generation of the requested data has completed, and if the data generation is in progress, predicting an end time for generation of requested data and transmitting the prediction to the terminal.

Barrett is seen to describe measuring a response time to a test message in order to estimate a download time for information, which is stored at a remote site, and which might be downloaded in response to a selection of a hyperlink in a web page. More particularly, Barrett is seen to describe a local system sending a test message to the remote site to test the time it takes to receive a response message to the test message over the network from the remote site. Referring to Figure 3 and the discussion commencing at col. 6, line 19, Barrett is seen to describe that the local site sends the test message to the remote site and measures the time until a response is received via the network from the remote site, or a timeout occurs. The measure of response time is then compared to a threshold, and an indicator corresponding to the hyperlink used to select information from the remote site is displayed based on the comparison. (See also col. 3, line 61 to col. 4, line 12) At col. 5, lines 35 to 63, the test message can be of any format and its purpose is to test the response time between the local and remote sites.

A local site testing the response time with a remote site by sending a test message to a remote site and receiving a response from the remote site is not seen to be the same as a server responding to a request for data by either transmitting the requested data, if generation of the data is complete, or predicting an end time for data generation and transmitting the predicted end time if the data generation is not complete.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in

condition for allowance. Further, Applicants submit that Claims 5 and 9 are believed to be in condition for allowance for at least the same reasons.

Claim 4 defines a data processing method performed by a terminal for receiving data from a server via a network. An issuing step of, the method issues a request for data loading to the server. A reception step receives from the server in response to the request either the requested data, or a predicted end time for generation of the requested data. A display step displays the requested data or the predicted end time received from the server. A data discriminating step discriminates whether the received data is the requested data or is the predicted end time. In a case where the received data is the predicted end time for generation of the requested data, a re-issuing step re-issues the request for data loading to the server when the predicted end time is reached.

The applied art, namely Barrett, is not seen to show each and every one of the above-identified features, particularly as regards the features of issuing a request for data, receiving a response to the request, discriminating whether the response is the requested data or a predicted end time for generation of the requested data, and re-issuing the request for the data when the predicted end time is reached in a case where the response is the predicted end time.

As discussed above, Barrett is seen to sending a test message the purpose of which is to measure a response time. The test message is not seen to be a request for data a response to which can be either the data or a predicted end time for generation of the requested data. In addition, nothing in Barrett is seen to show reissuing an issued request for data when a predicted end time, which is received in response to the issued data request, is reached.

Therefore, for at least the foregoing reasons, Claim 4 is believed to be in condition for allowance. Further, Applicants submit that Claims 8 and 10 are believed to be in condition for allowance for at least the same reasons.

The other claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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